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Chief Clerk of the House

FILED FEB 05 2007

By: _____

Verny

H.B. No. 1083

A BILL TO BE ENTITLED

AN ACT

relating to safety regulations for certain contract carriers.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 644.054, Transportation Code, is amended
by amending Subsection (b) and adding Subsection (c) to read as
follows:

(b) The department shall adopt rules regulating the
operation of a contract carrier to which this section applies. The
rules must:

(1) prohibit a person from operating a vehicle for
more than 12 hours in a day;

(2) require a person who operates a vehicle for the
number of consecutive hours or days the department determines is
excessive to rest for a period determined by the department;

(3) require a contract carrier to keep a record of all
hours a vehicle subject to regulation under this section is
operated; ~~and~~

(4) require a contract carrier to perform alcohol and
drug testing of vehicle operators on employment, on suspicion of
alcohol or drug abuse, and periodically as determined by the
department;

(5) require a contract carrier, at a minimum, to
maintain liability insurance in the amount of \$1.5 million for each
vehicle;

1 (6) require a person who operates a vehicle to hold a
2 commercial driver's license under Chapter 522; and

3 (7) be determined by the department to be necessary to
4 protect the safety of a passenger being transported or the general
5 public.

6 (c) The department shall inform contract carriers and
7 railroad companies that employ contract carriers of the
8 requirements of state statutes applicable to contract carriers.

9 SECTION 2. This Act takes effect September 1, 2007.

HOUSE COMMITTEE REPORT

1st Printing

07 MAR -8 PM 1:54
HOUSE OF REPRESENTATIVES

By: Veasey

H.B. No. 1083

Substitute the following for H.B. No. 1083:

By: Hill

C.S.H.B. No. 1083

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(3) require a contract carrier to keep a record of all hours a vehicle subject to regulation under this section is operated; ~~and~~

(4) require a contract carrier to perform alcohol and drug testing of vehicle operators on employment, on suspicion of alcohol or drug abuse, and periodically as determined by the department;

(5) require a contract carrier, at a minimum, to maintain liability insurance in the amount of \$1.5 million for each vehicle; and

1 (6) be determined by the department to be necessary to
2 protect the safety of a passenger being transported or the general
3 public.

4 (c) The department shall inform contract carriers and
5 railroad companies that employ contract carriers of the
6 requirements of state statutes applicable to contract carriers.

7 SECTION 2. This Act takes effect September 1, 2007.

COMMITTEE REPORT

The Honorable Tom Craddick
Speaker of the House of Representatives

3-6-07
(date)

Sir:

We, your COMMITTEE ON TRANSPORTATION

to whom was referred HB 1083 have had the same under consideration and beg to report back with the recommendation that it

- () do pass, without amendment.
- () do pass, with amendment(s).
- (x) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.
- (x) yes () no A fiscal note was requested.
- () yes (x) no A criminal justice policy impact statement was requested.
- () yes (x) no An equalized educational funding impact statement was requested.
- () yes (x) no An actuarial analysis was requested.
- () yes (x) no A water development policy impact statement was requested.
- () yes (x) no A tax equity note was requested.
- () The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor

Joint Sponsors:

Co-Sponsors:

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Krusee, Chair	✓			
Phillips, Vice-chair				✓
Harper-Brown, CBO				✓
Deshotel	✓			
Haggerty				✓
Harless	✓			
Hill	✓			
Macias		✓		
Murphy	✓			

Total 5 aye
1 nay
0 present, not voting
3 absent

CHAIR

BILL ANALYSIS

C.S.H.B. 1083
By: Veasey
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Contract carriers transport train operating crews to and from trains, and between terminals. Railroads often save money using the services of outside vendors. Generally, the vehicle the contract carrier uses is a small passenger van designed to transport eight or fewer passengers, including the driver. The contract carrier may transport crews between two local points or across long distances. In certain cases, these trips may take several hours.

When contract carriers were first regulated in 1997, they were mostly small businesses with a regional scope. Since that time large businesses have grown to provide these carrier services.

Current law does not designate mandatory alcohol and drug testing for contract carriers. The proposed text amends the contract carrier law to require drug and alcohol testing of vehicle operators, which will lessen the likelihood of accidents that can injure contract carrier vehicle passengers or the public at large.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Department of Public Safety in SECTION 1 of this bill.

ANALYSIS

SECTION 1 amends Section 644.054 of the Transportation Code by amending Subsection (b) and adding Subsection (c). Under the Act, a contract carrier will be required to perform alcohol and drug testing of vehicle operators upon employment, upon suspicion of alcohol or drug abuse, and periodically as determined by the Department of Public Safety. A contract carrier will be required to maintain liability insurance for \$1.5 million on each vehicle, at a minimum. The Act also requires the Department of Public Safety to inform contract carriers and railroad companies that employ contract carriers of the state statutes applicable to their services.

SECTION 2 provides that this Act takes effect September 1, 2007.

EFFECTIVE DATE

September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute for HB 1083 omits paragraph (6) under Subsection (b) of the original, which would require contract carriers to hold a commercial driver's license under Chapter 522 of the Transportation Code. Paragraph (7) of the original becomes paragraph (6) in the substitute for HB 1083.

SUMMARY OF COMMITTEE ACTION

HB 1083

February 27, 2007 8:00 AM

Considered in public hearing

Committee substitute considered in committee

Testimony taken in committee (See attached witness list.)

Left pending in committee

March 06, 2007 8:00 AM

Considered in public hearing

Committee substitute considered in committee

Reported favorably as substituted

2

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WITNESS LIST

HB 1083
HOUSE COMMITTEE REPORT
Transportation Committee

February 27, 2007 - 8:00 AM

For: Briggs, Terry (Brotherhood of Locomotive Engineers and Trainmen)
Kearns, Dennis (BNSF Railway, Texas Railroad Association)
Trial, Jim (Self and BNSF Employees in Sweetwater)

On: Rogers, Mark (Texas Department of Public Safety)

Registering, but not testifying:

For: Arabie, Joe (Texas AFLCIO)
Arterburn, David (United Transportation Union)
English Jr., C.M. (United Transportation Union)

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LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

March 7, 2007

TO: Honorable Mike Krusee, Chair, House Committee on Transportation

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1083 by Veasey (Relating to safety regulations for certain contract carriers.), Committee Report 1st House, Substituted

No significant fiscal implication to the State is anticipated.

The bill would amend the Transportation Code as it relates to safety regulations for certain contract carriers.

This bill would amend Transportation Code, Section 644.054(b) and add (c) which would require contract carriers to perform drug and alcohol testing on their vehicle operators on employment on employment, on suspicion of alcohol or drug abuse, and periodically as determined by the Department of Public Safety (DPS). Contract carriers would also be required to carry, at a minimum, \$1.5 million in liability insurance for each vehicle. DPS would be required to inform the contract carriers and railroad companies that employ contract carriers of the state statute requirements applicable to contract carriers. The bill would take effect on September 1, 2007.

DPS and the Texas Department of Transportation (TxDOT) have both determined that the cost of implementing the provisions of the bill would not be significant. DPS would be responsible for the drug testing and commercial driver's license requirements and TxDOT would be responsible for the liability insurance requirements. It is assumed that these costs can be absorbed within each agency's current appropriations.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety, 601 Department of Transportation

LBB Staff: JOB, KJG, GG, LG

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

February 23, 2007

TO: Honorable Mike Krusee, Chair, House Committee on Transportation

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1083 by Veasey (Relating to safety regulations for certain contract carriers.), As
Introduced

No significant fiscal implication to the State is anticipated.

The bill would amend the Transportation Code as it relates to safety regulations for certain contract carriers.

This bill would amend Transportation Code, Section 644.054(b) and add (c) which would require contract carriers to perform drug and alcohol testing on their vehicle operators on employment on employment, on suspicion of alcohol or drug abuse, and periodically as determined by the Department of Public Safety (DPS). Contract carriers would also be required to carry, at a minimum, \$1.5 million in liability insurance for each vehicle. The bill also requires a person who operates a vehicle to hold a commercial driver's license. DPS would be required to inform the contract carriers and railroad companies that employ contract carriers of the state statute requirements applicable to contract carriers. The bill would take effect on September 1, 2007.

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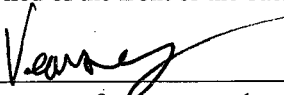
LBB Staff: JOB, KJG, GG, LG

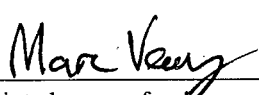
80TH LEGISLATURE

COAUTHOR AUTHORIZATION

(please request your coauthors to sign this form in lieu of the front or the back of the original bill)

Bill or Resolution Number: HB 1083


signature of primary author


printed name of primary author

FEB 05 2007
Date

PERMISSION TO SIGN HB 1083 HAS BEEN GIVEN TO (check only one of the following):
(bill or resolution #)

X ALL REPRESENTATIVES
THE FOLLOWING REPRESENTATIVE(S):

I authorize the Chief Clerk to include my name as a coauthor of the legislation indicated above:

A2100 Allen	Date	A2450 Cook, Byron	Date	A2795 Farabee	Date
A2125 Alonzo	Date	A2565 Cook, Robby	Date	A2820 Farias	Date
A2150 Anchia	Date	A2595 Corte	Date	A2810 Farrar	Date
A2155 Anderson	Date	A2605 Crabb	Date	A2840 Flores	Date
A2145 Aycock	Date	A2610 Craddick	Date	A2850 Flynn	Date
A2160 Bailey	Date	A2615 Creighton	Date	A2860 Frost	Date
A2205 Berman	Date	A2640 Crownover	Date	A2920 Gallego	Date
A2230 Bohac	Date	A2645 Darby	Date	A2915 Garcia	Date
A2240 Bolton	Date	A2620 Davis, John	Date	A2960 Gattis	Date
A2250 Bonnen	Date	A2625 Davis, Yvonne	Date	A2945 Geren	Date
A2280 Branch	Date	A2680 Delisi	Date	A2935 Giddings	Date
A2265 Brown, Betty	Date	A2690 Deshotel	Date	A2910 Gonzales	Date
A2270 Brown, Fred	Date	A2705 Driver	Date	A4660 Gonzalez Toureilles	Date
A2255 Burnam	Date	A2665 Dukes	Date	A2990 Goolsby	Date
A2295 Callegari	Date	A2660 Dunnam	Date	A3045 Guillen	Date
A2495 Castro	Date	A2650 Dutton	Date	A3035 Haggerty	Date
A2585 Chavez	Date	A2775 Eiland	Date	A3050 Hamilton	Date
A2480 Chisum	Date	A2780 Eissler	Date	A3100 Hancock	Date
A2525 Christian	Date	A2785 Elkins	Date	A3160 Hardcastle	Date
A2425 Cohen	Date	A2805 England	Date	A3150 Harless	Date
A2435 Coleman	Date	A2800 Escobar	Date	A3165 Harper-Brown	Date

A3170 Hartnett	Date	A3730 Mallory Caraway	Date	A4200 Puente	Date
A3175 Heflin	Date	A3780 Martinez	Date	A4230 Quintanilla	Date
A3155 Hernandez	Date	A2835 Martinez Fischer	Date	A4215 Raymond	Date
A3140 Herrero	Date	A3665 McCall	Date	A4220 Riddle	Date
A3250 Hilderbran	Date	A3650 McClendon	Date	A4250 Ritter	Date
A3275 Hill	Date	A3845 McReynolds	Date	A4270 Rodriguez	Date
A3305 Hochberg	Date	A3830 Menendez	Date	A4350 Rose	Date
A3290 Hodge	Date	A3840 Merritt	Date	A4525 Smith, Todd	Date
A3325 Homer	Date	A3825 Miles	Date	A4540 Smith, Wayne	Date
A3330 Hopson	Date	A3835 Miller	Date	A4530 Smithee	Date
A3315 Howard, Charlie	Date	A3860 Moreno	Date	A4505 Solomons	Date
A3310 Howard, Donna	Date	A3870 Morrison	Date	A4545 Strama	Date
A3340 Hughes	Date	A3865 Mowery	Date	A4565 Straus	Date
A3375 Isett	Date	A3875 Murphy	Date	A4570 Swinford	Date
A3350 Jackson	Date	A3885 Naishtat	Date	A4585 Talton	Date
A3405 Jones	Date	A3900 Noriega	Date	A4600 Taylor	Date
A3480 Keffer	Date	A3880 Oliveira	Date	A4630 Thompson	Date
A3470 King, Phil	Date	A3886 Olivo	Date	A4650 Truitt	Date
A3460 King, Susan	Date	A3930 Orr	Date	A4685 Turner	Date
A3465 King, Tracy	Date	A3940 Ortiz, Jr.	Date	A4700 Van Arsdale	Date
A3495 Kolkhorst	Date	A3945 Otto	Date	A4780 Vaught	Date
A3485 Krusee	Date	A4090 Parker	Date	A4725 Veasey	Date
A3450 Kuempel	Date	A4050 Patrick	Date	A4800 Villarreal	Date
A3520 Latham	Date	A4100 Paxton	Date	A4900 Vo	Date
A3540 Laubenberg	Date	A4140 Pena	Date	A4995 West	Date
A3560 Leibowitz	Date	A3240 Pierson	Date	A5005 Woolley	Date
A3610 Lucio, III	Date	A4160 Phillips	Date	A5150 Zedler	Date
A3705 Macias	Date	A4180 Pickett	Date	A5170 Zerwas	Date
A3715 Madden	Date	A4185 Pitts	Date	District 29	Date

H.B. No. 1083

By Vary

A BILL TO BE ENTITLED
AN ACT

relating to safety regulations for certain contract carriers.

FEB 05 2007 Filed with the Chief Clerk

FEB 12 2007 Read first time and referred to Committee on Transportation

MAR -6 2007 Reported ___ favorably. (~~as amended~~)
(~~as substituted~~)

MAR 08 2007 Sent to Committee on (Calendars)
(~~Local & Consent Calendars~~)

_____ Read second time (comm. subst.) (amended); passed to third reading (failed) by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ Constitutional rule requiring bills to be read on three several days suspended (failed to suspend)
by a vote of _____ yeas, _____ nays, _____ present, not voting

_____ Read third time (amended); finally passed (failed to pass) by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ Engrossed

_____ Sent to Senate

CHIEF CLERK OF THE HOUSE

OTHER HOUSE ACTION:

_____ Received from the House

_____ Read and referred to Committee on _____

_____ Reported favorably _____

_____ Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

_____ Ordered not printed

_____ Laid before the Senate

_____ Senate and Constitutional Rules to permit consideration suspended by (unanimous consent)
(_____ yeas, _____ nays)

_____ Read second time, _____, and passed to third reading by (unanimous consent)
(a viva voce vote)
(_____ yeas, _____ nays)

_____ Senate and Constitutional 3 Day Rules suspended by a vote of _____ yeas, _____ nays

_____ Read third time, _____, and passed by a (viva voce vote)
(_____ yeas, _____ nays)

_____ Returned to the House

SECRETARY OF THE SENATE

OTHER SENATE ACTION:

_____ Returned from the Senate (as substituted)
(with amendments)

_____ House concurred in Senate amendments by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ House refused to concur in Senate amendments and requested the appointment of a conference committee
by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ House conferees appointed: _____, Chair; _____,
_____, _____, _____

_____ Senate granted House request. Senate conferees appointed: _____, Chair;
_____, _____, _____, _____

_____ Conference committee report adopted (rejected) by the House by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ Conference committee report adopted (rejected) by the Senate by a (viva voce vote)
(record vote of _____ yeas, _____ nays)